

**Arizona State Board of Homeopathic Medical
Examiners
Minutes of Regular Meeting
September 9, 2003**

I. CALL TO ORDER

Presiding officer, Bruce Shelton, MD, MD(H), called the meeting to order at 9:00 a.m.

II. ROLL CALL

BOARD MEMBERS PRESENT:

Bruce Shelton, MD, MD(H), President

Charles Schwengel, DO, MD(H), Vice President

Joan Heskett, Public Member, Secretary/Treasurer

Garry Gordon, MD, DO, MD(H)

Anna Marie Prassa, Public Member (not present from 10:15 am to 12:30 pm)

Annemarie Welch, MD, MD(H), Professional Member

Mark Harris, Assistant Attorney General and Christine Springer, Executive Director were also present.

III. REVIEW/APPROVAL OF MINUTES

Ms. Prassa made a motion adopting the July 8, 2003 Regular Meeting Minutes. Dr. Gordon seconded the motion that passed 6-0.

A motion approving the July 8, 2003 Executive Session Minutes was made by Ms. Prassa that was seconded by Mrs. Heskett and passed 6-0.

IV. ANNUAL MEETING – ELECTION, FEES, SCHEDULE OF MEETINGS

Elections

Dr. Gordon made a motion nominating Dr. Shelton for President. There were no other nominations. Mrs. Heskett seconded the motion that passed 6-0.

Dr. Shelton made a motion nomination Dr. Schwengel for Vice President. There were no other nominations. Dr. Welch seconded the motion that passed 6-0.

Dr. Gordon moved to nominate Mrs. Heskett for Secretary-Treasurer. There were no other nominations. Ms. Prassa seconded the motion that passed 6-0.

Schedule of Meetings

Dr. Gordon moved to approve the 2004 regular meeting schedule (copy filed with the original minutes) as presented. Ms. Prassa seconded the motion that carried 6-0.

Fees

The Board discussed changes to AAC R4-105 concerning 2004 fees. They proposed changing the fees as follows: *application for license* (raise to \$500); *late renewal penalty* (raise to \$350); and *initial application for supervision of medical assistant* (raise to \$200). During the discussion AAG Harris stated that rules must be proposed and approved before any changes to fees could be instituted. Dr. Gordon made a motion to incorporate the fee changes as discussed into a proposed rule docket to revise AAC R4-38-105. Ms. Prassa seconded the motion that passed unanimously. The board affirmed that 2004 fees shall remain unchanged until new rules are effective.

V. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE

A. *New Applications*

Review of the two applications began at 11:30 a.m. following discussion of the pending complaints.

Dr. Thomas S. Dorman, MD requested a waiver of the written examination and was present to respond to questions regarding his previous and current practice of homeopathic medicine. He indicated that in his current practice he specialized in prolotherapy. Dr. Welch made a motion approving and accepting Dr. Dorman's application for license and request for a waiver of the written examination. Dr. Gordon seconded the motion that passed 5-0. The oral examination was conducted. Following successful completion of the examination Dr. Gordon made a motion approving the homeopathic license. Mrs. Heskett seconded the motion that passed 5-0 (Prassa not present for this part of the meeting).

Dr. Laurence Webster, MD came before the board at 11:55 a.m. and responded to questions regarding his request for a waiver of the written examination based on his current practice of homeopathic medicine. He described his specialty in prolotherapy and his research related to the treatment of allergies and children with ADHD. Dr. Gordon made a motion approving Dr. Webster's application for license and request for a waiver of the written examination. Dr. Welch seconded the motion that passed 5-0. Dr. Webster presented his review of the oral examination and responded to questions from the board members. Following successful completion of the examination Dr. Gordon moved to approve Dr. Webster's homeopathic license. Dr. Welch seconded the motion that passed 5-0. (Prassa not present for this part of the meeting.)

VI. REVIEW, CONSIDERATION AND ACTION REGARDING INVESTIGATIONS/COMPLAINTS

A. *Previous Cases*

1. 03-12 Walter Gene Schroeder, MD, MD(H)

The Board adjourned to Executive Session at 11:03 a.m. for legal advice following a motion by Mrs. Heskett, seconded by Dr. Gordon and passed 5-0. (Prassa not in attendance for this portion of the meeting) They returned to the Regular Meeting

at 11:15 a.m. Discussion centered on the board's previous vote to seek arbitration pursuant to A.R.S. §32-2907. During their deliberation, Dr. Gordon made a motion to have the executive director schedule a meeting between the directors and board presidents prior to initiation of the arbitration process. Dr. Schwengel seconded the motion that passed 5-0. (Prassa not in attendance for this portion of the meeting).

2. IDS02-0623/PM02-06552 Fry vs. State et. Al.

Mrs. Springer gave a brief overview of the timeline associated with the appeals process. The board requested that each member receive a copy of the State's reply brief when it is available.

B. New Cases

3. 03-12 D.P. for T.P. vs. Kathleen Fry, MD, MD(H)

Dr. Shelton stated that there were two parts to the complaint; a surgical component that should be addressed by AMB and a homeopathic component that the homeopathic board should address. Dr. Welch suggested that the surgical component may be out of the board's jurisdiction. AAG Harris explained that the board would need to communicate to the Arizona Medical Board (AMB) their intention to claim jurisdiction in the homeopathic issues and defer the surgical issues to the allopathic board.

D.P. and C.S. were present at the meeting and were invited to address the Board. C.S. stated she felt that Dr. Fry should not have subjected T.P. to such a difficult surgery. Dr. Fry initially scheduled T.P. for laparoscopic surgery related to a suspicion that uterine fibroids were present. C.S. indicated she was concerned that as a result of the extensive surgery performed, T.P.'s treatment options were limited. Further exploratory or oncological procedures (examples given were: chemotherapy or MRI) were not an option for T.P. because of the scope of the surgery performed by Dr. Fry.

In response to a question from Dr. Shelton, C.S. stated she did not personally meet or interact with Vega Rozenberg. D.P. also stated that she did not meet Mr. Rozenberg.

C.S. stated that arnica and bismuth were homeopathic remedies prescribed by Dr. Fry. They were given to T.P. following surgery at the hospital. As a result of the consultation with Mr. Rozenberg, T.P. was prescribed irridium metallica pellets and Dr. Fry was given a check for \$42.00 to purchase the irridium pellets for T.P. Dr. Gordon inquired how the consultation with Mr. Rozenberg was paid. D.P. stated she wrote a \$900 check to Mr. Rozenberg for the 40 minute consultation he held with her daughter. Neither she, nor C.S. were physically present in the room at the consultation. They waited outside the consultation room until T.P., Dr. Fry, and Mr. Rozenberg were finished.

Dr. Gordon stated that a review of the records associated with T.P.'s previous gynecological surgeries would be helpful.

Dr. Shelton asked C.S. and D.P. what outcome they wanted as a result of filing the complaint. C.S. indicated that there should be rules that prevent a physician from offering hope when there is no hope. She explained that T.P. believed she would be cured once she had had the consultation with Mr. Rozenberg. C.S. stated that she felt Mr. Rozenberg's service was overpriced and not worth \$900 for 40 minutes.

Dr. Schwengel thanked C.S. and D.P. for attending and asked them what they wanted to see happen. D.P. indicated she has questions about the use of the iridium pellets and the fact that they were a metal and whether or not they may have hurt T.P. She also asked whether or not Mr. Rozenberg is allowed to prescribe in the state.

Dr. Shelton stated that, in his opinion, more investigation was necessary. He stated that a complaint file should be opened and the following information should be provided: 1) copy of records related to the iridium pellets; and 2) copy of additional records that AMB may have obtained and not provided. Dr. Gordon made a motion to open an investigation. He stated that the AMB investigator meet with the board at our next regular meeting. He also noted that due to the extremely aggressive nature of the cancer that copies of medical records of T.P.'s previous surgeries would be desirable. Dr. Welch seconded the motion that passed 5-0. (Prassa not present for this portion of the vote) The executive director was instructed to notify Dr. Fry that the board voted to open a complaint investigation and request that she provide homeopathic and billing records related to T.P. In addition, the board requested that Dr. Fry be asked to provide copies of any e-mails that may have been sent from Dr. Fry to the patient or her family and to ask for a response concerning why she ask for the iridium pellets back at D.P.'s funeral. Ms. Springer was also instructed to contact Dr. Rowe and inquire whether he would assist with the investigation. Finally, the AMB is to be notified that a complaint has been opened regarding homeopathic aspects of the case.

VII. REVIEW, CONSIDERATION AND ACTION ON APPLICATIONS FOR HOMEOPATHIC MEDICAL ASSISTANT

Applications of Narcell Jean-Louis

Dr. Lloyd Arnold and Narcell Jean-Louis were present to address the board. Ms. Jean Louis explained that she had not passed the ECFMG, but was preparing to take the Board's again. Dr. Shelton explained to Dr. Arnold that Ms. Jean-Louis' application required greater detail in the job description section. Dr. Arnold specified the job duties as requested and Dr. Gordon moved to approve Ms. Jean-Louis' application for medical assistant. Ms. Prassa seconded the motion that passed unanimously.

VIII. REVIEW, CONSIDERATION AND ACTION ON RULES and/or LEGISLATION

A detailed discussion of the changes suggested to *AAC Article 1, R4-38-101-115* by the Governor's Regulatory Review Council (GRRC) analyst was held. The suggestions were incorporated into the current draft and Ms. Springer was directed to file the proposed rules with the Secretary of State.

IX. REVIEW, CONSIDERATION AND ACTION ON PROFESSIONAL BUSINESS

1. Dr. Gordon announced that the annual peer review for chelating physicians would be held on September 24, 2003 at the Cowden Center located at John C. Lincoln Hospital.
2. Dr. Schwengel chaired this part of the discussion and Dr. Shelton was recused from the vote. The board considered whether a program of study offered by Heel concerning Homotoxicology would meet the requirements of AAC R4-38-102. They questioned Dr. Shelton who stated that the course had been previously approved five years ago and had been granted 36 hours of credit. He explained that Heel partners with Westbrook University in the presentation of its program and has formatted the coursework for 42 hours of credit. Dr. Welch made a motion to approve the Homotoxicology coursework offered by Heel for 42 hours of credit and noted that it met the requirements of AAC R4-38-102. Dr. Gordon seconded the motion that passed with a majority vote.
3. Continuing education submitted by Joseph Collins, License No. 142 in compliance with the terms of a Consent Agreement and Order was reviewed. The board indicated in its discussion that the hours met the requirements imposed by the Consent Agreement.
4. There was a brief discussion of proposed rules from the Arizona Radiation Regulatory Agency that had been submitted to stakeholders for comment.
5. The AMB Substantive Policy Statement was discussed. Dr. Gordon stated that it would provide valuable guidance for all current and new licensees.

X. REVIEW, DISCUSS AND ACTION REGARDING OTHER BUSINESS

1. Dr. Gordon moved to approve the fiscal year 2005 budget and strategic plan. Dr. Welch seconded the motion that passed unanimously.
2. Dr. Gordon made a motion to adjourn to executive session for discussion of personnel matters at 1:30 p.m. Ms. Prassa seconded the motion that passed unanimously. Following a return to the regular meeting at 1:30 p.m. the board voted unanimously to increase the executive director's pay to \$25 per hour. The motion was made by Dr. Welch, seconded by Dr. Gordon and passed unanimously.

XI. FUTURE AGENDA ITEMS

There were no future agenda items discussed..

XII. CALL TO THE PUBLIC

A member of an association of homeopathic medical assistants addressed the board and noted that it was their future plan to establish a medical school in Arizona.

XIII. ESTABLISHMENT OF FUTURE MEETING DATES

Not discussed

XIV. CLOSE OF BUSINESS/ADJOURNMENT

The meeting adjourned at 1:40 p.m. following a motion by Ms. Prassa. Dr. Gordon seconded the motion that passed unanimously. The next Regular Meeting of the Board will convene at the State Board's Offices, 1400 W. Washington, Basement Conference Room B-1, Phoenix, Arizona, 9:00 AM, on **November 13, 2003.**

Respectfully Submitted,

Christine Springer
Executive Director